

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

October 21, 2008

DIVISION ONE

Court convened at 9:00 a.m.

Present: Mallano, P.J., Rothschild, J., Hastings, J. (Assigned), Weisberg, J., (Assigned)
and P. Gonzalez, Deputy Clerk.

Each of the following:

B197124 People v. D.B.
B199926 People v. Rodriguez
B201486 People v. Hernandez, J.
B202102 People v. Williams
B203929 People v. Boyd
B204018 People v. Dunphy
B204643 People v. Newsome
B205327 People v. Hernandez, F.
B205362 People v. Bacon
B205567 People v. J.F.
B206119 People v. Rodriguez
B206143 People v. Esmond
B207153 People v. D.G.
B204419 DCFS v. R.L.
B205982 DCFS v. Q.W.
B206032 DCFS v. C.C.
B209784 N.D. v. S.C.L.A., (DCFS, rpi)

Argument waived, cause submitted.

Each of the following:

B198375 BCX International etc. v. Merv York
B205682 People v. Robinson

Matter continued to November 18, 2008.

DIVISION ONE (continued)

Each of the following:

B201663 Karton v. Dougherty

B202359 Growth Resource Group v. Comm of Corps

Matter continued to November 19, 2008

B201984 People v. Jason Frank Allen

B206180 People v. Jason Frank Allen

Merits:

Argued by Heather Manolakas for appellant and by Zee Rodriguez and Sharlene A. Honnaka, Deputies Attorney General for respondent. Cause submitted.

B194170 People

v.

Richard Estrada

Merits:

Argued by Kevin D. Sheehy for appellant. Argument waived by J. Michael Lehman, Deputy Attorney General for respondent. Cause submitted.

B204569 People

v.

Elwood Mitchell

Merits:

Argued by Richard L. Fitzer for appellant and by Sharlene Honnaka, Deputy Attorney General for respondent. Cause submitted.

DIVISION ONE (continued)

B205500 People
 v.
 Anthony Kurtis Wilson

Merits:
Argued by James Koester for appellant and by Margaret Maxwell, Deputy Attorney General for respondent. Cause submitted.

B199860 People
 v.
 Lamont T. Tarkington
 Darris Allen

Merits:
Argued by Matthew Alger for appellant Allen and by Michael C. Keller, Deputy Attorney General for respondent. Argument waived by David Thompson for appellant Tarkington. Cause submitted.

B199200 Eugene L.
B202856 v.
 Belgum et al.
 Gina F.

Merits:
Argued by Charlotte E. Costan for appellant, by Richard C. Moore for respondent Gina F., and by attorney Jonathan B. Cole for respondents Belgum et al. Cause submitted.

B195242 Elizabeth Rene Raymond
 v.
 Larry Flynt et al.

Merits:
Argued by Jeremy B. Rosen for appellants and by Douglas G. Benedon for respondent. Cause submitted.

DIVISION ONE (continued)

B200274 People
 v.
 Hratch Haladjian

Merits:
Argued by Ronald J. Lemieux for appellant. Argument waived by Paul J. Roadarmant, Jr., Deputy Attorney General for respondent. Cause submitted.

B199981 Thomas E. Patrick
 v.
 Michael P. Rubin

Merits:
Argued by Richard L. Knickerbocker for appellant and by Erika S. Lipcsey for respondent. Cause submitted.

B202401 People
 v.
 Hernandez, et al.

Merits:
Argued by , by Waldemar D. Halka for appellant L. Hernandez, by Patricia A. Scott for appellant V. Hernandez and by Mary Sanchez, Deputy Attorney General, for respondent. Cause submitted.

Court in recess.

Court reconvenes at 10:59 a.m.

Present: Mallano, P.J., Rothschild, J., Hastings, J. (Assigned), and P. Silva, Deputy Clerk.

DIVISION ONE (continued)

B199284 Alfred E. Forrest, M.D.

v.

Provident Life and Accident Insurance Co.

Merits:

Argued by Delores Yarnall for appellant and by Robert J. McKennon for respondent. Cause submitted.

B188118 Mary Dousette et al.

v.

Cafe Concepts, Inc., et al.

Merits:

Argued by Craig Huber for appellants M. Dousette et al., and by Michael H. Weiss for appellants Cafe Concepts Inc., et al. Cause submitted.

B195213 L. Richard Runyon

v.

California State University of Long Beach et al.

Merits:

Argued by Phillip J. Ganz Jr. for appellant and by Robert W. Conti for respondents. Cause submitted.

Court adjourned.

DIVISION TWO

B199570 People

v.

Salazar

Filed order denying petition for rehearing.

DIVISION FOUR

B204092 People (Not for Publication)
v.
Romero

The judgment is affirmed.

Manella, J.

We concur: Epstein, P.J.
Suzukawa, J.

B203868 People (Not for Publication)
v.
Lopez

The judgment is affirmed.

Willhite, J.

We concur: Epstein, P.J.
Manella, J.

B203252 Beltran et al. (Not for Publication)
v.
Antelope Valley Hospital

The judgment is affirmed. Respondent shall have its costs on appeal.

Manella, J.

We concur: Epstein, P.J.
Suzukawa, J.

DIVISION FOUR (continued)

B203045 Los Angeles County, D.C F.S. (Not for Publication)
v.
T.P.

The order denying mother's section 388 petition and terminating her parental rights are reversed. The matter is remanded, and the juvenile court is ordered to conduct a hearing on the petition after affording mother an opportunity to amend the petition to allege additional facts regarding any changes that have occurred since her original petition was filed.

Willhite, Acting P.J.

We concur: Manella, J.
Suzukawa, J.

B209963 D.M. (Not for Publication)
v.
Superior Court, Los Angeles County
(DCFS, r.p.i.)

The petition is denied.

Manella, J.

We concur: Epstein, P.J.
Suzukawa, J.

B204649 People (Not for Publication)
v.
Garcia

The judgment is affirmed.

Manella, J.

We concur: Epstein, P.J.
Suzukawa, J.

DIVISION FIVE

B202297 Granite Group of California, Inc., (Not for Publication)
 v.
 MMGD Properties, LLC,

The judgment is affirmed. The order on MMGD's fees motion is affirmed.
Each party to bear their own costs on appeal.

Armstrong, Acting P.J.

I concur: Kriegler, J.
I concur: Mosk, J. (Opinion)

B202855 Los Angeles County, D.C F.S. (Not for Publication)
 v.
 T.R.

The appeal is dismissed.

Turner, P.J.

I concur: Armstrong, J.
I dissent: Mosk, J. (Opinion)

B204793 J.A. et al., (Not for Publication)
 v.
 Gutierrez, Preciado & House, LLP et al.,

The order is affirmed. Defendants, the law firm of Gutierrez, Preciado & House, LLP, Calvin R. House, and Arthur C. Preciado, shall recover their costs and attorney fees from plaintiff, J.A., a minor by and through his guardian ad litem, Cecilia Cruz.

Turner, P.J.

We concur: Armstrong, J.
 Kriegler, J.

DIVISION SIX

[illegible]

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

B203941 4X Projects Co. (Not for Publication)
v.
City of Moorpark

The judgment is affirmed. Respondent is to recover costs.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

[illegible]

The judgment is modified to reflect a stay of sentence on count 2 pursuant to section 654. The trial court shall forward the amended abstract to the Department of Corrections. As so modified, the judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

DIVISION SEVEN

B201517 Mt. Holyoke Homes (Certified for Publication)

v.

California Coastal Commission

Schelbert

The judgment is reversed. The Commission and Schelbert are to recover their costs on appeal.

Perluss, P.J.

We concur: Woods, J.
 Zelon, J.

DIVISION EIGHT

B198813 Gregg Management (Not for Publication)

v.

Payne et al.

The judgment is affirmed. Respondents are to recover their costs on appeal.

Bigelow, J.

We concur: Rubin, Acting P.J.
 Flier, J.

B203256 People (Not for Publication)

v.

Hamilton

The judgment is affirmed.

Flier, J.

We concur: Rubin, Acting P.J.
 Bigelow, J.

DIVISION EIGHT (continued)

B204742 Yousri (Not for Publication)
v.
Aly

The order granting the motion to strike is reversed and the case is remanded for further proceedings consistent with this opinion. Each party is to bear his own costs on appeal.

Flier, J.

We concur: Cooper, P.J.
Rubin, J.